



Attorneys at Law
www.ober.com

FACSIMILE

RECEIVED
CENTRAL FAX CENTER

OCT 18 2007

RESIDENT OFFICE

120 East Baltimore Street
Baltimore, MD 21202-1643
410-685-1120
fax 410-547-0699

ADDITIONAL OFFICES

1401 H Street, NW, Ste. 500
Washington, DC 20005-3324
202-408-8400
fax 202-408-0640

407 N. Washington St., Ste. 105
Falls Church, VA 22046
703-237-0126
fax 202-408-0640

409 Washington Ave., Ste 1010
Towson, MD 21204
410-296-1160
fax 410-296-3974

To: Attn: Michael Safavi
Art Unit: 3637 **From:** Royal W. Craig, Esq.

Fax: (571)-273-8300 **Pages:** 5 (including cover page)

File #: U.S. Patent Application No. 10/808,230 **Date:** October 18, 2007

Re: Election/Response to Restriction Requirement dated 20 September 2007

C/m # 028521.080432

Thank you

*** Important Notice ***

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

O B E R | K A L E R
A Professional Corporation

Ober, Kaler, Grimes & Shriner
Attorneys at Law

120 East Baltimore Street
Baltimore, MD 21202-1643
410-685-1120 / Fax 410-547-0699
www.ober.com

RECEIVED
CENTRAL FAX CENTER

OCT 18 2007

Royal W. Craig
rw.craig@ober.com
410-347-7303

Offices In
Maryland
Washington, D.C.
Virginia

**TRANSMITTAL VIA FACSIMILE # (571)273-8300
CONFIRMATION BY FIRST CLASS MAIL**

To The Honorable Commissioner
of Patents and Trademarks
Mail Stop Non-Fee Amendment
P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Patent Application 10/808,230 for "STRUCTURAL COMPONENTS FORMED USING A SYSTEM FOR RECYCLING WET CONCRETE AND USES THEREOF"; From (Provisional Patent Application 60/535,450; Filed: January 8, 2004); Filed: March 23, 2004; Inventor: Erik Straub.

Dear Sir:

Enclosed please find the following:

1. *Election/Response to the Restriction Requirement dated 20 September 2007.*
2. *Our post card. Please date stamp and return.*

Please charge any unanticipated fees to our Deposit Account No. 50-3391 (a duplicate copy of this charge authorization is attached.)

Thank you for your cooperation and assistance.

Respectfully submitted,

Royal W. Craig
Reg. No. 34,145

I HEREBY CERTIFY that on October 18, 2007, one copy of the above-referenced documents were transmitted by Facsimile and 1st class mail to the United States Patent and Trademark Office.- c/o Primary Examiner Michael Safavi, Art Unit 3637, at Fax # 571-273-8300, with confirmation copy by 1st class mail.



RECEIVED
CENTRAL FAX CENTER

OCT 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: STRAUB, ERIK K.

Appn. No. 10/808,230

Group Art Unit: 3637

Filed: March 23, 2004

Examiner: M. Safavi

For: **STRUCTURAL COMPONENTS FORMED USING A SYSTEM FOR RECYCLING
WET CONCRETE AND USES THEREOF**

ELECTION/RESPONSE

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated 20 September 2007, Applicant elects as follows.

As to the first Group of Species, Applicant provisionally elects Species I (FIG. 2), the claims readable thereon including claims 1-2 and 4-15. This election is with traverse. The present invention is a plank formed in accordance with a particular recycling method that uses a casting bed. The plank is preferably equipped with one or more lifting handles, and wire mesh or steel rebar reinforcement. The various different types of handles in the cited FIGs. may be sub-species, but the invention is the plank with any generic lifting handle and so the sub-species are not mutually exclusive. The Examiner has not made a *prima facie* case that the cited "species" are mutually exclusive and so this election is made with traverse. Applicant provisionally elects Species I (FIG. 2), acknowledges that claim 1 is generic, and contends that all of claims 1-2, 4-15 are generic in this regard.

Application of: STRAUB, ERIK K.

Appln. No. 10/808,230

Group Art Unit: 3637

Examiner: M. Safavi

Filed: March 23, 2004

Page 2

As to the second Group of Species, Applicant provisionally elects Species II (Rebar), the claims readable thereon including claims 1-15. This election is with traverse. The present invention is a plank formed in accordance with a particular recycling method that uses a casting bed. The plank is preferably equipped with one or more lifting handles, and wire mesh or steel rebar reinforcement. The claims do not distinguish the invention based on the type of reinforcement, and so rebar versus mesh are not mutually exclusive species. The Examiner has not made a *prima facie* case that the cited "species" are mutually exclusive and so this election is made with traverse. Applicant provisionally elects Species II (Rebar), and contends that all of claims 1-15 are generic in this regard.

As to the fourth Group of Species, Applicant provisionally elects Species IV (pavement shoring plank), the claims readable thereon including claims 11 and 13. This election is with traverse. The present invention is a plank formed in accordance with a particular recycling method that uses a casting bed. The plank may be used for various purposes, but the invention is the plank with either and so the types of planks are not mutually exclusive. The Examiner has not made a *prima facie* case that the cited "species" are mutually exclusive and so this election is made with traverse. Applicant provisionally elects Species IV (pavement shoring plank), acknowledges that claim 1 is generic, and contends that all of claims 1-8, 11 and 13 are generic in this regard.

Respectfully submitted,

Royal W. Craig
Attorney for Applicant
Reg. No. 34,145 Royal Craig

Ober Kaler
120 East Baltimore Street
Suite 800
Baltimore, MD 21202
410-347-7303